UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL MCNEIL,

Case No. 3:20-cv-00510-APG-CLB

Plaintiff,

ORDER TO FILE CASE MANAGEMENT REPORT

٧.

WILLIAM GITTERE, et al.,

Defendants.

The Court has now screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and ordered the case to proceed. To ensure the just, speedy, and cost-effective resolution of this action, the court orders each party submit a Case Management Report for the Court's review. Upon receipt of each Case Management Report, the Court will determine whether a case management conference should be set to assist in managing discovery and/or whether the Court will issue a full scheduling order following the scheduling conference, setting out additional dates related to discovery and the litigation. No discovery may proceed until the Court enters a full scheduling order following its review of the Case Management Reports or holds a case management conference with the parties.

## Therefore, **IT IS HEREBY ORDERED** that:

By no later than December 1, 2021, each party shall file a Case Management Report for the Court's review. The Case Management Report must not exceed 5 pages and must not include any attached exhibits. Each party's Case Management Report must include the following information in separately numbered paragraphs as designated below:

- 1) A brief statement of the nature of the case, including a brief description of the claims and defenses;
  - 2) The location of potentially relevant documents;

- 3) The discovery each party intends to take, if any;
- 4) Proposed deadlines for the discovery plan and scheduling order;
- 5) Any options or methods for the streamlining and/or bifurcation of discovery or the litigation;
- 6) Whether the defense of exhaustion may apply to any claims and whether that defense, if successful, would be dispositive of the entire case or certain claims in the litigation;
  - 7) Whether the party intends to use expert witnesses;
- 8) Whether the party intends to proceed by consent before the magistrate judge. Presently, when a civil trial is set before the district judges, any criminal trial set that conflicts with the civil trial will take priority, even if the civil trial was set first. Continuances of civil trials under these circumstances may no longer be entertained, absent good cause, but the civil trial may instead trail from day to day or week to week until the completion of either the criminal case or the older civil case. The parties are advised that they are free to withhold consent or decline magistrate jurisdiction without adverse substantive consequences; and,
- 9) Any immediate or ongoing issues or requests that could require the Court's immediate attention or that should be brought to the Court's attention.

Upon review of each party's Case Management Reports, the Court will determine whether to schedule a case management conference or to simply issue a Scheduling Order and Discovery Plan. Once a Scheduling Order and Discovery Plan is issued, the dates in the Scheduling Order and Discovery Plan will be firm and no extension shall be given without permission from the Court based on good cause shown.

**DATED**: November 3, 2021.

UNITED STATES MAGISTRATE JUDGE